

VIRGINIA:

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

TRAN LE

:

:

Plaintiff,

:

v.

:

Civil Action No.: 1:18-cv-520-LO-JFA

:

TARGET STORES, INC.,

:

Defendant.

:

MEMORANDUM IN SUPPORT OF MOTION

TO USE PHOTOS AND VIDEO IN PLAINTIFF'S OPENING STATEMENT

COMES NOW plaintiff, through counsel, and states as follows:

Statement of Facts

On or about February 2d, 2017, Plaintiff Ms. Le was visiting the Target store at Springfield Mall in Fairfax County as a customer and invitee of defendant. The second story of the stores is serviced by elevators and by escalators carrying customers on moving stairs.

As Ms. Le descended the escalator she was struck from behind by a shopping cart which rolled onto and fell down the escalator when a customer attempted to take her shopping cart down the escalator and lost control of it whereupon it fell onto Ms. Le.

Argument

The video and still photos (from the video) of the cart falling down the pedestrian escalator and striking the plaintiff and additional photos of the area surrounding the escalator enable the jury to understand plaintiff's case at the outset. These exhibits were provided by the defendant's expert and plaintiff's expert which constitute demonstrative evidence. There is no prejudice in

plaintiff's using the video and photographs taken at the inspection (except those showing subsequent looseness in the placement of the bollards). Defendant has agreed in the Joint Stipulation (Exh A) to plaintiff's use of the photos from the inspection.

WHEREFORE plaintiff moves this Honorable Court to permit Plaintiff to use photos and video of the event in her opening statement.

Respectfully submitted,
TRAN LE
By Counsel

HICKMAN LAW OFFICE

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Certificate of Service

I hereby certify that a copy of the foregoing was sent 1/10/2019 by email to J. Derek Turrietta, Esq., Counsel for Defendant at dturrietta@sntlegal.com.

_____/s/_____
Gwendolyn M. Hickman